

Board of Mayor and Aldermen
Regular Meeting, Nolensville Elementary School
Thursday, December 2, 2004, 7:00 p.m.

Mayor Charles Knapper opened the meeting at 7:04 p.m. Members present were Mayor Knapper, Aldermen Tommy Dugger, Larry Felts, Gail Phillips and Frank Wilson. Counsel Robert Notestine, Police Chief Jeff Goforth, Town Engineer Rich Woodroof and Recorder Cindy Lancaster. There were 22 citizens present.

Mayor Knapper led the pledge and prayer.

Mayor Knapper asked if there were any citizens that had comments.

Citizens Comments:

Ms. Kristi McArthur, 880 Dortch Lane, read a letter written by Beth Lathers of 304 Walpole Court. The letter was in support of the development submitted from CPS for the property known as Nolen Park (formerly known as Sheldon Park). She said that she was in favor of the new plan with the changes that were discussed at a meeting with various citizens of Nolensville.

Ms. Cindy Arnold, 878 Dortch Lane, noted she has been opposed to this development, although, with the amended plan she is for Nolen Park.

Mayor Knapper thanked the audience for their comments.

Alderman Wilson made a motion to approve the minutes from November 4, 2004, Alderman Dugger seconded. Alderman Dugger noted three typographical errors on page seven. He noted, "benefited", and "stated" were misspelled. With these changes the minutes were approved unanimously.

Alderman Dugger made a motion to approve the treasurer's report, Alderman Felts seconded. Recorder Lancaster noted that the cash on hand for the General Fund was \$579,074.77, with cash disbursements being \$31,000. State Street Aid cash on hand was \$140,007.25 with total cash on hand being \$719,083.02. The treasurer's report was unanimously approved.

Mr. Bob Haines Planning Commission Member reported the following:

- Ballenger Farms was discussed and Phase II was approved.
- Workshop held for CPS development
- Sunset Road development was discussed with some concerns being lack of entrances, Owen Road connection, and the impact on the intersection at Nolensville and Sunset Roads
- Concord Road was briefly discussed
- Mayor Knapper stated that he had extended an offer to Mrs. Kristie McArthur to serve on the Planning Commission and she has accepted this position.

Betty Friedlander reported for the Historic Commission:

- Submitted names of Commission members to the Mayor
- Will begin working on grants for the Historic area

Chief Presley Hughes reported for the Nolensville Volunteer Fire Department.

- New Assistant Fire Chief is G.T. Sanford
- Delivery of new fire truck is anticipated for April
- Noted the worse month for fires is December
- Have not heard from FEMA grant
- Mayor Knapper noted that he had met with Congresswoman Marsha Blackburn and she suggested to contact Melissa Miller in the Franklin office in regards to assistance with the grant

Mayor Knapper reported for the Chamber of Commerce.

- No report submitted

Rich Woodroof, Town Engineer/Codes Official reported for the Codes Department.

- 12 building permits were issued
- 26 “other” permits were issued
- 54 inspections performed
- Met with Bill Terry and Don Swart to discuss potential development
- Rolling Hills and Dortch have been paved
- Phase I, Section I of Haley Industrial Park has been recorded

Chief Jeff Goforth reported for the Police Department.

- Stated a written report had been submitted to the board and asked if any member had questions.
- Noted that COPS grant has not been turned down
- Noted that he had spoke to Melissa Miller in Marsha Blackburn’s office in regards to grant

Lonnie Bowden, Director of Public Works reported for the Public Works

- Stated a written report was submitted to the board

Mayor Knapper noted that the City Hall Committee would reconvene after the first of the year.

Mayor Knapper’s report:

Mayor Knapper noted that Ms. Tara Brock was at the meeting last month in regards to a drainage and water concern. He stated that Rich Woodroof has gotten a bid on this work.

Mayor Knapper noted that he had received notice that there would be a public hearing for a development at Burkitt Road on the Williamson – Davidson County line.

Counsel Notestine reported on the various lawsuits. He noted that any current litigation is bogged down due to the holidays and one Judge having back surgery. He noted that depositions for the previous Town Planner, the Mayor, the Town Recorder and himself would be forthcoming.

Public Hearing for the Storm Water Regulations Ordinance #04-17, opened at 7:30.

Town Engineer Rich Woodroof stated that the Storm Water sections in the current zoning ordinance would be removed and replaced with its "own" document. He noted that with the federal standards Mill Creek has pollutants and it must be monitored.

Citizens were then asked for any comments. There were no comments.

Public Hearing was closed at 7:31.

Mayor Knapper then requested the board to move forward on the agenda for second reading of the Storm Water Ordinance #04-17. The board unanimously agreed.

Alderman Phillips made a motion to approve this ordinance on second reading, Alderman Dugger seconded and this passed unanimously.

Second reading of Ordinance #04-16, an ordinance to amend zoning ordinance #04-09, an ordinance to approve a concept plan for a PUD overlay formerly known as Sheldon Park and now known as Nolen Park. Counsel Notestine described the process and noted this would be final reading. Alderman Felts made a motion to approve, Alderman Wilson seconded and the floor was opened for discussion.

Alderman Dugger stated that we need to look at some amendments that various citizens have been involved. Mayor Knapper then asked Alderman-elect Mr. Jimmy Alexander to share his input after Mr. Dudley Smith, due to his previous involvement with the citizens group.

Mr. Dudley Smith stated his name and address as being 1221 Clifty Drive in Brentwood and I am a partner with CPS Land. We have over the past four or five months tried to develop a plan formerly called Sheldon and now Nolen Park. We have discussed several changes to the plan that the neighborhood was in support of and at this point we would be happy to accommodate these changes. As you remember the existing plan has 77 lots 1.8 units per acre, minimum square footage 11,000. I won't go into the particulars of the plan, but basic issues were there was connection at Rolling Hills and there was open space strip behind the existing homes on Dortch Lane. At our last neighborhood meeting their discussion was to extend these lot lines back to the common property lot and making these lots a minimum of 20,000 square feet. This is in our revised plan. The other thing that we would do is to eliminate the access through Rolling Hills Drive as far as it being a public street. Make it a 10-foot wide asphalt paved pedestrian and emergency access between Nolen Park and Rolling Hills Drive. He stated it could be like this (showed a picture). It could be gated or whatever the emergency department feels that would be best. We could work that detail out. This plan has a maximum of 77 lots with 1.8 units per acre. It would have to have 30% open space. If that means we would have to lose a lot, then we have to lose a lot. We are willing to make these two changes. Another change we wanted to consider would be to on the old plan there was one park. In looking at the plan and the larger trees that we would like to preserve, is to break the one park into two parks. That would give us a greater chance to preserve the larger trees, we ran this by the last neighborhood meeting, and I think everyone was in support of this plan. We think it's a better plan and the Planning Commission would have the opportunity to review it at final plat. The conditions would be lots backing up to existing Stonebrook Subdivision have 20,000 square foot or greater minimum lot size 11,000 square feet. The emergency access only and pedestrian connection 10 foot wide would

connect these two communities. Explore the opportunity for the park to be broken into two parks. I will be happy to answer any questions.

Alderman Phillips asked that the fire chief have input in regards to the access into Rolling Hills so that it would be feasible for emergencies.

Chief Hughes stated that provided the department could access the gate. Mr. Smith stated that a system could be worked out so that it could be simple. The Chief stated that they would prefer not breaking into something.

Police Chief Goforth noted that he has somewhat of a different perspective due to patrolling. It would be much easier for his department to get through to each subdivision if there was not a gate.

Alderman Felts noted that he had a concern in regards to buses and the buffer between the developments. Mr. Smith noted that eventually there would be access to Oldham Drive. Alderman Felts asked if the buffer would still be there. Mr. Smith stated that it would not. Mr. Felts asked if this area would be cleaned out. Mr. Smith stated that it would be and this is what the citizens wanted.

Mr. Alexander stated that he couldn't add much more other than the people with concerns were contacted and Mr. Smith had done a good job working with the citizens and addressing their concerns.

Rich Woodroof, Town Engineer, stated that he and Town Planner, Bill Terry, felt that Rolling Hills should interconnect. He stated further that he could not understand why there would be more traffic through Rolling Hills.

Alderman Dugger stated that his concerns previously was Rolling Hills and the traffic. Although he did agree with Rich now and could there be enough stubbed off in order for in the future to have this connect at a later date?

Mr. Smith clarified by stating – You are saying provide right of way so that in the future if the city felt that if they needed to connect the road they would have the ability to do that? Alderman Dugger stated yes. Mr. Smith asked if the city would be willing to allow that as their open space. Mr. Smith stated that if this could be done, they could do that.

Mayor Knapper stated that we have had recommendations from the citizens, counsel and consultants. The Mayor asked if this is a minor or major change. Counsel Notestine stated that it is kind of subjective. At first he viewed it as a major change, as I am looking at it – it is the same boundary line. It is taking common area and making it a yard. Apparently this is what most of the neighbors want. In the subdivision regulations it says that whenever possible there should be two ways in and two ways out. Counsel Notestine further stated that the wording was with this is “whenever possible”. If the connection were made at Oldham then this would be done. He further noted that on second reading the board has the authority to change the plan and do what it wants. Traditionally in Nolensville it has gone back to the Planning Commission. Nolensville does this, although it is not required to do so. Other cities do not send it back to their Planning Commission. The question is does this board have the authority to make this change without going back to the Planning Commission. The answer is yes.

Rich stated that he felt losing a connection is teetering on a “major change”.

Alderman Dugger asked if this board has the power to close roads. Counsel stated that it does. Alderman Dugger stated that it depends on the definition of being a minor or major change. Counsel stated that he is not a planner. He noted that the right of way for the future could be done. He further noted that it would go back to the Planning Commission for a preliminary plat. He stated that once this is approved it sets the framework up for the developer. If you don't have a road in now, you will not have a road in the future.

Alderman Wilson stated that initially the Planning Commission approved the concept plan with that road stubbed out for one egress and ingress. It was agreed that this is what the Planning Commission originally approved. It was further noted that all of that died and then it was started over.

Mr. Smith asked if they would allow that section to be counted "open space". Would you give us the permission and the ability to count that as open space? It would be right of way reservation presently being held as open space.

Rich stated that he did not feel that was the definition of open space.

Mayor Knapper stated if that was done he felt that would be a "major change" and would have to be returned to the Planning Commission for their recommendation. He noted that he was o.k. with stubbing it out as Alderman Dugger had suggested.

Mr. Smith stated that this may be inserted into the covenant restrictions.

Mayor Knapper made a motion to approve this plan with nine amendments.

1. All homes have a minimum three sides brick three sides painted – hardy plank
2. Lots backing to existing Stonebrook Subdivision shall be equal to or greater than 20,000 square feet
3. Any front entry garage house shall have the garage door recessed a minimum of three foot behind the main front façade or have the garage door setback a minimum of 30' from the right of way.
4. Driveway shall be a 12-foot maximum with the right of way and be screened with landscaping along the side
5. Developers shall construct a southbound turn lane onto Nolensville Road into the project.
6. Minimum lot size is 11,000 square feet
7. Emergency access only road connection will be constructed to the existing Rolling Hills Drive
8. A large park area may be split into two park areas so that large existing trees can be saved. This change would be reviewed by the Planning Commission at final PUD
9. Developer will provide for restricted covenants that in the event the Town requests a 50' right of way to Rolling Hills, it will be gifted by the homeowners association to the Town of Nolensville at no cost.
10. Emergency access only road connection will be constructed to the existing Rolling Hills Drive with consultation with the Police Chief and Fire Chief as how it is gated.

Alderman Wilson seconded this amendment. This was approved unanimously. The vote was then taken on the motion/approval ordinance #04-16 as amended. Alderman Dugger

stated that he had a question in regards to the 50-foot right of way, how do you vision it looking?

Mr. Smith stated that this would be a fifty-foot wide open space and it would be an exhibit as part of the restricted covenants and would go into detail what a 50' public right of way easement gift would look like and that would be part of the covenants. It would be an exhibit. We will do right of way radius turns on it and go ahead and document what that would look like.

Alderman Dugger, would it be kept up by the homeowners association? Mr. Smith stated that the homeowners association would maintain it. It gives you flexibility.

Chief Hughes stated that he has a concern of the ten-foot entrance in regards to a fire truck making that turn. Mr. Smith stated that they could flare that walkway and have their engineer design that. He asked the chief the turning radius on the truck. Chief Hughes stated that his minimum was 30 foot. Mr. Smith stated that his engineers could design that to accommodate the 30-foot radius.

The vote was then taken on the approval of Ordinance #04-16. This ordinance passed unanimously as amended.

First Reading of Ordinance #04-18, an ordinance to amend zoning ordinance #04-09. Counsel Notestine briefly went over this ordinance. Mayor Knapper noted that the Planning Commission had approved these changes. Alderman Wilson made a motion to approve this ordinance, Alderman Phillips seconded and this was approved unanimously.

Reading of Resolution #04-12, a resolution to enter into an interlocal agreement with Williamson County. Rich noted that this is an interlocal agreement that is no cost to the city. This is an agreement to exchange information between the two entities in regards to mapping. Alderman Felts made a motion to pass this resolution, Alderman Phillips seconded and this passed unanimously.

Reading of Resolution #04-13, a resolution to extend Mr. Bill Terry and Associates to serve as Town Planning Consultant. Counsel Notestine stated that this is an agreement that will renew Mr. Terry's agreement for six months. Alderman Wilson made a motion to approve this resolution, Alderman Felts seconded and this passed unanimously.

Other:

Alderman Dugger asked if a sprinkler workshop had been planned? Mayor stated that it has not been scheduled. He will review his schedule for dates. Fire Chief Hughes asked the board to attend a "field trip" on December 9, 13, or 18? They would be going to Pleasant View to view development and meet with their governing body. This would take about ½ day. Mayor Knapper stated that he would have to check his calendar and get back with him.

Mayor Knapper read a thank-you note from Mrs. Raylene King thanking the board for their support during Breast Cancer Survivor month.

Alderman Phillips thanked the board, staff and citizens. She encouraged everyone to get involved. Mayor Knapper thanked Alderman Phillips and Wilson for their outstanding service. He then presented them with a reception and gift certificate. Alderman Wilson

thanked the mayor for allowing him to serve.

Mayor Knapper adjourned the meeting at 8:35 p.m.

Respectfully submitted,

Approved,

Cindy Lancaster
Town Recorder

Charles F. Knapper
Mayor